

EXHIBIT A

Abraham Bates (12440)
WASATCH ADVOCATES LLC
4525 Wasatch Blvd. Ste. 300
Salt Lake City, Utah 84124
Telephone: (801) 662-0077
Facsimile: (801) 662-0082
abe@slclawfirm.com

Attorneys for Plaintiffs

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

<p>APRIL AND DAVID PIERSALL,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>MILA, INC.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; CITYWIDE HOME LOANS; INTEGRATED TITLE INSURANCE SERVICES, LLC; FRANKLIN CREDIT MANAGEMENT CORP.; HUNTINGTON NATIONAL BANK; ETITLE INSURANCE AGENCY; LUNDBERG & ASSOCIATES; and DOES 1-5.</p> <p>Defendants.</p>	<p>PRELIMINARY INJUNCTION</p> <p>Case No. 100916364</p> <p>Judge: Toomey</p>
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Plaintiffs filed a Complaint in this Court against the above-named Defendants on September 1, 2010, alleging, *inter alia*, a claim for declaratory judgment pursuant to U.C.A. § 78B-6-401 that Defendants Mortgage Electronic Registration Systems, Inc. ("MERS"), Franklin Credit Management Corp., ("Franklin"), Huntington National Bank ("Huntington")

and eTitle Insurance Agency ("eTitle") lacked authority under Utah law to exercise the non-judicial power of sale of Plaintiffs' property.

On Friday, September 3, 2010, this Court granted Plaintiffs' Motion for Temporary Restraining Order after considering the oral arguments of the parties. After the issuance of restraining order, Plaintiffs' Motion for Preliminary Injunction came before the Court after an evidentiary hearing. Upon consideration of the arguments of parties and the evidence submitted at the hearing, the Court HEREBY GRANTS the Motion for Preliminary Injunction, based on the following Findings of Fact and Conclusions of Law.

CONCLUSIONS OF LAW

The Court finds that Plaintiffs have met the requirements for the issuance of a Preliminary Injunction by demonstrating that: (1) it clearly appears from the specific facts from the evidentiary hearing that immediate and irreparable injury will result to Plaintiffs from the loss of the family home that would result from the recording of a trustee's deed terminating their ownership interest in the property; (2) the threatened injury to Plaintiffs outweighs the damage that may result to Defendants by issuance of this injunction, when the Plaintiffs stand to lose their family home and Defendants will suffer only a temporary delay in any transfer of ownership; (3) the injunction is not adverse to the public interest when the home-owning public is protected by strict enforcement of Utah's non-judicial foreclosure statute, U.C.A. §§ 57-1-19 -- § 57-1-38, which requires that only the beneficiary of record to a trust deed may exercise the non-judicial power of sale; and (4) Plaintiffs'

claim for declaratory judgment that Defendants MERS, Franklin, Huntington and eTitle lack proper authority, pursuant to U.C.A. §§ 57-1-19 – § 57-1-38 presents serious issues on the merits which should be the subject of further litigation.

Defendants are HEREBY ENJOINED until further notice from recording any trustee's deed terminating Plaintiffs' ownership on the property at issue in this litigation, formally known as:

LOT 432, TUSCANY ESTATES P.U.D. 4 PHASE "B", ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

TOGETHER WITH AN EASEMENT OF USE AND ENJOYMENT IN AND TO THE COMMON AREA AND FACILITIES, INCLUDING BUT NOT LIMITED TO THE ROADWAYS AND ACCESS WAYS APPURTENANT TO SAID LOT, AS PROVIDED FOR IN THE DECLARATION OF TUSCANY ESTATES, P.U.D. 4 PHASE "B".

This PRELIMINARY INJUNCTION is effective as of Friday, September 10, 2010 and replaces the Temporary Restraining Order issued in this case on September 3. The Court shall retain possession of the \$1,000 surety bond posted by Plaintiffs on September 3.

Dated this ____ day of October, 2010.

The Honorable Judge Toomey
Third District Court

CERTIFICATE OF SERVICE

I hereby certify that the foregoing ORDER was served upon the following parties by EMAIL AND US MAIL, postage prepaid, on the 11th of October 2010, as follows:

Richard Gunnerson
Lundberg & Associates
3269 South Main St., Suite 100
Salt Lake City, UT 84115
Richard.gunnerson@lundbergfirm.com

Abraham Bates

Abraham Bates
Counsel for Plaintiffs

Utah State Courts

Case Title: PERSALL, APRIL, et al. vs. MILA INC, et al
Case Number: 100916364
Court: Salt Lake District Court
Type: Preliminary Injunction

So Ordered

/s/ Kate A. Toomey
District Court Judge

